

Appl. No. 10/549,255
Amendment dated: November 14, 2007
Reply to OA of: August 14, 2007

Amendments to the drawings:

The attached sheets of drawings includes changes to Figures 1-3.

Attachment: Replacement Sheets

Appl. No. 10/549,255
Amendment dated: November 14, 2007
Reply to OA of: August 14, 2007

REMARKS

Applicant has amended the specification, including the drawings and the claims to more particularly define the invention taking into consideration the outstanding Official Action. Claim 1 has been amended to specify subject matter as fully supported by the specification, see page 3, lines 13-21, and added the subject matter from claim 3. Claim 3 has been canceled from the present application without prejudice or disclaimer as redundant. Applicants submit that the claims now present in the application are fully supported by the specification as originally filed and no new matter is introduced (see page 3, lines 13-21 for support).

Applicant notes that receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d). Applicant further notes that the information disclosure statement filed September 13, 2007 fails to comply with 37 CFR 1.98(a)(2) and CN 2269196 Y and CN 2430959 Y have not been considered for this reason.

The objection to the drawings for the reasons set forth on page 2 of the outstanding Official Action has been obviated in view of the amendments to the drawings in accordance with the Examiner's requirement. That is, corrected formal drawings are submitted herewith which are acceptable standards including clarity of lines and numbers. No new matter has been introduced in the drawings. Accordingly, it is most respectfully requested that this objection be withdrawn.

The objection to the specification for the reasons set forth on page 3 of the outstanding Official Action has been carefully considered but is most respectfully traversed in view of the amendments to the specification. Applicants submit herewith a replacement abstract of the disclosure in compliance with the Examiner's request. Accordingly, it is most respectfully requested that this objection be withdrawn.

Appl. No. 10/549,255
Amendment dated: November 14, 2007
Reply to OA of: August 14, 2007

Applicants most respectfully submit that all of the claims now present in the application are in full compliance with 35 USC 112 and are clearly patentable over the references of record.

The rejection of claims 1-3 under 35 USC 103(a) as being unpatentable over Albrektsson et al. in view of Chinese Patent 2534997Y has been carefully considered but is most respectfully traversed in view of the amendments to the claims and the following comments.

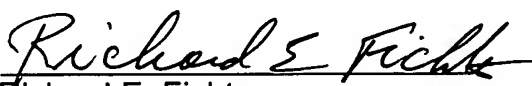
In the Official Action it is urged that Albrektsson teaches an artificial hip joint without a shaft as the primary reference for the reasons discussed in the Official Action. As stated on page 4, Albrektsson does not teach a femur neck protecting device which is said to be taught by Chinese Patent '997. It is concluded that it would have been obvious for someone of ordinary skill in the art at the time of the invention to provide a femur neck protecting device to the invention of Albrektsson et al. in order to protect the neck of the femur. However, this is based upon Applicant's disclosure which may not be used as a teaching reference even in view of the KSR decision on obviousness.

One of ordinary skill in the art would appreciate that the Albrektsson patent relates to an attachment part in a hip joint prosthesis which comprises a fixture comprising two main parts, namely a first part which is extended through a bore hole from the collum femoris towards the outer side of the femur and a second part which is intended to fit into a cylindrical cavity cut into the cancellus bone of the collum. This fixture is made of two parts as used in the procedure described. There is nothing to suggest modifying this procedure and the fixture which is specifically designed for this procedure as suggested in the Official Action and as urged to be obvious to one of ordinary skill in the art. One of ordinary skill in the art would not modify the teachings of the primary reference in such a way as to avoid the procedure described therein for which the fixture is designed. Accordingly, it is most respectfully requested that this rejection be withdrawn.

Appl. No. 10/549,255
Amendment dated: November 14, 2007
Reply to OA of: August 14, 2007

In view of the above comments and further amendments to the specification, drawings and claims, favorable reconsideration and allowance of all the claims now present in the application are most respectfully requested.

Respectfully submitted,
BACON & THOMAS, PLLC

By: 
Richard E. Fichter
Registration No. 26,382

625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

REF/cjw
A01.wpd

November 14, 2007